

DKT No. PP01468.103
PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of SHIRLEY et al.

Confirmation No: 3329

Examiner: Kam, C. M.

Serial No: 09/187,661

Art Unit: 1653

Filed: November 6, 1998

For: **NOVEL IGF-1 COMPOSITION AND ITS USE****TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Joseph H. Guth, state that I am an attorney of record in the above-captioned application and am a representative authorized to sign this document on behalf of Chiron Corporation, the assignee for this invention.
2. The assignee is Chiron Corporation, a Delaware corporation, having a place of business at 4560 Horton Street, Emeryville, CA 94608.
3. The assignee is the owner of the entire right, title and interest in the invention disclosed and claimed in the above-captioned application, U.S. application serial no. 09/187,661, filed November 6, 1998, by virtue of an assignment recorded January 29, 1999 at Reel 9740, Frame 0270, and is also the owner of the entire right, title and interest in U.S. application serial no. 09/187,780, filed November 6, 1998, by virtue of an assignment recorded January 29, 1999 at Reel 9739, Frame 0210.

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4. In accordance with 37 C.F.R. §3.73(b), the undersigned hereby certifies that the evidentiary documents with respect to the assignee's ownership, copies of which are appended hereto, have been reviewed and that, to the best of his/her knowledge and belief, title is in the assignee seeking to take this action.

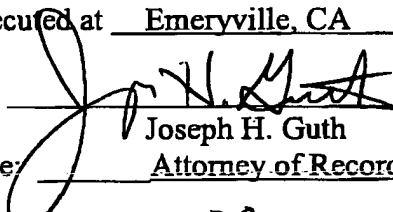
5. The assignee hereby disclaims the terminal part of any patent granted on the above-captioned application serial no. 09/187,661 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 of any patent granted on U.S. application serial no. 09/187,780, except as provided below, and agrees that any patent granted on the above-captioned application serial no. 09/187,661 will be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on U.S. application serial no. 09/187,780, this agreement to run with any patent granted on the above-captioned application serial no. 09/187,661 and to be binding upon the grantee, its successors or assigns.

6. In making this disclaimer, the assignee does not disclaim the terminal part of any patent granted on the above-captioned application serial no. 09/187,661 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of any patent granted on U.S. application serial no. 09/187,780, in the event that it later (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (e) has all claims cancelled by a reexamination certificate, (f) is reissued, or (g) is, in any manner, terminated prior to the expiration of its full statutory term.

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7. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648 (attorney docket no. 2300-1468).

Executed at Emeryville, CA
By: 
Joseph H. Guth
Title: Attorney of Record
Date: June 30, 2003